

Docket No.: M4065.0486/P486
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Doug Rollins

Application No.: 09/993,495

Confirmation No.: 8165

Filed: November 27, 2001

Art Unit: 2437

For: METHOD AND APPARATUS FOR WEP KEY
MANAGEMENT AND PROPAGATION IN A
WIRELESS SYSTEM

Examiner: S. Gelagay

REPLY BRIEF

MS Appeal Brief - Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

This Reply is filed within two months from the Examiner's Answer to Applicants' Appeal Brief, dated October 12, 2010.

The Examiner's Answer presents no New Ground of Rejection. Therefore, this Reply addresses specific arguments presented in the Examiner's Answer.

I. STATUS OF CLAIMS

A. Total Number of Claims in Application

There are 25 claims pending in application.

B. Current Status of Claims

1. Claims canceled: 13.
2. Claims withdrawn from consideration but not canceled: None.
3. Claims pending: 1-12 and 14-26.
4. Claims allowed: None.
5. Claims rejected: 1-12 and 14-26.

C. Claims On Appeal

The claims on appeal are claims 1-12 and 14-26.

II. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

A. Whether claims 1, 6-8, 14-20, and 26 are properly rejected as being unpatentable over U.S. Patent 7,024,553 to Morimoto in view of U.S. Patent 6,055,314 to Spies, et al. ("Spies").

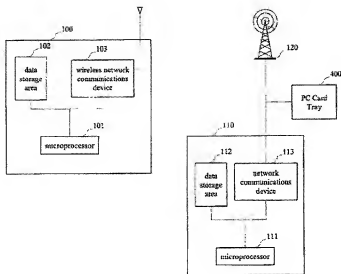
B. Whether claims 2-3, 9-10, and 21-23 are properly rejected as being unpatentable over Morimoto in view of Spies and in further view of U.S. Pat. No. 4,369,332 to Campbell, Jr. ("Campbell").

C. Whether claims 4-5, 11-12, and 24-25 are properly rejected as being unpatentable over Morimoto in view of Spies and in further view of U.S. Pat. No. 6,226,750 to Trieger ("Trieger").

III. ARGUMENT

Although the Examiner's Answer does not raise any new ground for rejection, Appellant writes briefly here to respond to the Examiner's remarks regarding Appellant's arguments. Appellant incorporates the comments from its Brief dated July 22, 2010. Appellant provides the following comments in response to the Examiner's arguments on pages 10-16 of the Examiner's Answer.

Claim 1 is directed to a method of updating and using an encryption key used by a wireless station for encrypted communications with a wired portion of the network. The claimed method includes "physically separating from said wireless station a network communications device; physically connecting said separated network communications device to an encryption key updating device which is connected to a wired portion of said network, said wired portion of said network containing an encryption key generator for providing a new encryption key to said updating device; replacing an existing encryption key in said network communications device with a new encryption key from said generator sent over said wired portion of said network; physically reconnecting said network communications device containing said new encryption key with said wireless station of said network." An example embodiment of the claimed subject matter is illustrated in Appellant's FIG. 4, which is reproduced below.



MPEP §2143(A) states that a claimed invention is obvious if “*all the claimed elements were known in the prior art and one skilled in the art could have combined the elements as claimed by known methods with no change in their respective functions, and the combination yielded nothing more than predictable results to one of ordinary skill in the art.*” MPEP §2143(A) (emphasis added).

The Examiner’s Answer fails to show how the combination of Morimoto and Spies teaches or suggests all the limitations of claim 1. The Examiner’s Answer admits that Morimoto fails to disclose “*physically separating a network communication device and physically connecting said separated network communication device to key updating device and physically reconnecting said network communication device.*” (See Examiner’s Answer, page 13). As a result, Spies must disclose these limitations for the rejection of claim 1 over the cited combination to be proper. Yet Spies is not directed toward updating an encryption key used by a wireless station for encrypting communications with a wired portion of a network. Rather, Spies is directed to a method for secure purchase and delivery of video programs. Spies merely teaches distributing *decryption* keys on removable IC cards (e.g., PCMCIA cards) to enable a video player to decode *video content* stored on a DVD or other medium—Spies’ IC cards are not network communications devices, nor do they

provide “encryption key[s] used by a wireless station for encrypted communications with a wired portion of the network.” (Spies, Abstract, col. 6, lns. 19-33).

The Examiner’s Answer attempts to justify the use of Spies by incorrectly stating that “the key updating device is described as ‘the card trays may be conventional personal computer card trays, e.g. PCMCIA or other PC card trays,’ (see [0013])” and that “in order to clearly understand the claimed limitation the Examiner would like to point out that ‘a wired portion of the network’ is merely a conventional personal computer with PCMCIA card tray.” (Examiner’s Answer, page 11 and 15). By misconstruing the terms in the claims the Examiner’s Answer purports to show how the IC cards of Spies relate to the claimed invention, and, as a result, how Spies is able to remedy the deficiencies of Morimoto. However, the present application explains that “an encryption key is stored in a removable wireless network communication device in each wireless station. When an encryption key is to be updated, the wireless network communication device card is removed from the wireless station and inserted into a card tray connected to a wire portion of the network. A management station randomly regenerates a new encryption key and propagates it to all access points and one or more card trays. The card trays may be conventional personal computer card trays, e.g. PCMCIA or other PC card trays.” (Present Application’s Specification, ¶[0013]). The key updating device is the wireless network communication device card, not the card trays, and the wired portion of the network encompass at least a management station, access points, and card trays. Correctly interpreting the claims in light of the specification shows that Spies is unrelated to the claimed invention.

The Examiner’s Answer further attempts to relate Spies to the claimed invention by stating that the specification does not explicitly define “a network communication device.” (Examiner’s Answer, page 15). Appellant submits that one skilled in the art at the time of the invention would understand the term “network communication device,” and how it relates to network communications. Spies simply does not relate to network encryption or disclose “physically separating a network communication device and physically connecting said separated network communication device to key updating device and physically reconnecting said network

communication device.” As a result, Spies fails to remedy the deficiencies of Morimoto and the cited combination fails to teach or suggest all the limitations of claim 1.

The Examiner’s Answer also argues that Appellant has improperly attacked each reference individually. However, Appellant does not assert that claim 1 is allowable because Morimoto or Spies does not disclose all the claimed limitations. Rather, Appellant argues that the references, individually, and in view of each other, fail to disclose all the claimed limitations. As a result, the cited combination does not disclose all the claimed limitations.

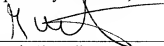
Claims 8, 15, 17, and 20 recite limitations similar to claim 1 and are believed allowable over the cited combination for at least the same reasons as claim 1. Claim 6-7, 14, 16, 18-19, and 26 depend from claims 1, 8, 15, 17, and 20, respectively, and are likewise allowable.

IV. CONCLUSION

For each of the foregoing reasons, Appellant respectfully submits that the claimed invention is patentable over the cited prior art as well as adequately supported and enabled. Reversal of the final grounds of rejection is respectfully solicited.

Dated: December 13, 2010

Respectfully submitted,

By 

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